

Senate File 34 - Introduced

SENATE FILE 34

BY BEALL

A BILL FOR

1 An Act relating to required mediation as part of a custody
2 order.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.41, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. *a.* Any order awarding joint custody
4 of a child may require the parents to participate in mediation
5 subsequent to the granting of the award, at the request of
6 either party, or if the court determines that participation by
7 the parents in mediation is in the best interest of the child.
8 *b.* The court shall not require participation in mediation if
9 the court determines that a history of domestic abuse exists as
10 specified in subsection 3, paragraph "j", or unless the court
11 determines that direct physical harm or significant emotional
12 harm to the child, other children, or a parent is likely to
13 result.
14 *c.* Mediation performed under this subsection shall comply
15 with the provisions of chapter 679C.
16 *d.* The costs of mediation shall be borne by the parties, as
17 agreed to by the parties, or as ordered by the court, and may be
18 taxed as court costs. Mediation shall be provided on a sliding
19 scale for parties who are determined to be indigent pursuant
20 to section 815.9.

21 EXPLANATION

22 This bill provides that in any order awarding joint custody
23 of a child, the court may require the parents to participate in
24 mediation subsequent to the granting of the order, if either
25 parent so requests or if the court determines that it is in
26 the best interest of the child. Participation is not to be
27 required if a history of domestic abuse exists, or if the court
28 determines that direct physical harm or significant emotional
29 harm to the child, other children, or a parent is likely to
30 result. Mediation is to comply with the provisions of Code
31 chapter 679C (Mediation) and the costs of mediation are to be
32 borne by the parties as agreed to by the parties, or as ordered
33 by the court. Mediation is to be provided on a sliding fee
34 schedule for those determined to be indigent.